THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.23064 of 1998

Dated: 20.06.2007

Between:

Korada Easwar Rao.

... Petitioner

AND

The Regional Manager,
APSRTC, Srikakulam Region.

... Respondents

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.23064 of 1998

ORDER:-

This writ petition is filed for a writ of mandamus to declare the action of respondents in not considering the case of petitioner for the post of Conductor or any other suitable post in the respondent – Corporation in pursuance of the Circular No.PD/75/1983-84, dated 10.11.1983 and for a consequential direction to the respondents to absorb the petitioner as Conductor or in any other suitable post.

The petitioner claims to be the displaced employee (Checker) of private bus bearing No.AAV 9961 on route Rajam to Donubai which was nationalized in the year 1987. He further claims that in the year 1989 he was invited as genuine displaced employee by the Corporation to attended the interview before the Selection Committee and he produced all necessary documents and certificates. His grievance is that that though other persons who worked with him were absorbed, the respondents have not absorbed the petitioner. The petitioner relied upon the judgment of a Division Bench of this Court in W.P.No.5186 of 1987 dated 25.8.1987 and pleads that according to the said judgment the respondents have to prepare a list of displaced employees for

absorption as and when vacancies arise. The petitioner avers that the action of respondents in not absorbing the petitioner is contrary to the circular dated 10.11.1983.

The Law Officer of Andhra Pradesh State Road Transport Corporation filed a counter affidavit wherein it is stated that the route Rajam to Donubai on which vehicle bearing No.AAV 9961 being plied was nationalized during 1987; that in pursuance of the scheme framed by the Corporation, wide publicity was given in newspapers and exhibited on notice boards of bus complexes informing the displaced workers to submit their applications to appear before the selection committee and that the petitioner never applied for and appeared before the Selection Committee. It is further averred that the Selection Committee met during the year 1997-98 in connection with the selection of displaced workers however, the petitioner never appeared before the Selection Committee. It is also pleaded that the routes were nationalized in the year 1987 and that a decade thereafter the petitioner has filed this writ petition, which is liable to be dismissed on the ground of laches. It is also stated that the Corporation vide its resolution No.56/1998 dated 15.5.1998 imposed total ban on further absorption and appointment of displaced employees into the services of the Corporation in view of the critical financial position and also in view of the Corporation's effort to reduce bus staff ratio on par with other Road Transport Corporations in India and the said ban was communicated vide circular No.61/1998 dated 16.7.1998. On those grounds the respondents sought for dismissal of the writ petition.

Heard learned counsel for the petitioner and the learned Standing Counsel for respondents.

Though the petitioner in his affidavit stated that he attended interview before the Selection Committee, he did not give any details pertaining to the date on which he appeared and he also failed to produce any proof in support there of. Though the petitioner made representation in the year 1998 claiming that he attended the interview and that he kept quiet thinking that his case will be considered, he did not again specify the date on which he appeared for interview. He followed up the said representation with two more representations on 5.3.1991 and 9.2.1998 in which he made stereotype claim that he first attended interview and later kept quiet. Had the petitioner really attended the interview in the year 1989 he should have approached this Court at the earliest opportunity when he came to know that certain persons who appeared alongwith him for the interview were selected. The petitioner approached this Court more than 11 years after he allegedly appeared before the selection committee. Moreover, when a specific plea is raised in the counter affidavit to the effect that the petitioner never appeared before the selection committee, he did not choose to file any reply affidavit or documents in support of his claim that he appeared for the interview and his case was not considered.

The writ petition is therefore liable to be dismissed for the reasons that there is inordinate delay in the petitioner approaching this Court by way of present writ petition and the petitioner's failure to prove that he had ever applied for and appeared before

the selection committee.

For the aforementioned reasons the writ petition is liable to be dismissed. Ordered accordingly.

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C.V.NAGARJUNA REDDY,J

Dt :20.06.2007
Mdaa.